

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 13477-00902-US- U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10267980
INTERNATIONAL APPLICATION NO. PCT/EP2004/008683	INTERNATIONAL FILING DATE 3 August 2004	PRIORITY DATE CLAIMED 11 August 2003
TITLE OF INVENTION: FUNGUS RESISTANT PLANTS AND THEIR USES		
APPLICANT(S) FOR DO/EO/US: Edwin Andries Gerard Van Der Vossen et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))</p> <p>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

Under the Par

persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. <small>20 NOV (If known, see 37 CFR 1.5)</small> 107567980	INTERNATIONAL APPLICATION NO. PCT/EP2004/008683	ATTORNEY'S DOCKET NUMBER 13477-00002-US																																																																																																												
20. <input checked="" type="checkbox"/> Other Items or Information: 51 Sheets of Drawings, Form PCT/IB/306, Form PCT/ISA/237, Form PCT/IPEA/409, Statement To Support Filing And Submission In Accordance With 37 CFR §§1.821 Through 1.825, Sequence Listing Submission on Compact Disc (COPY 1, COPY 2, CRF; total 3 compact discs), Postcard, Certificate of Express Mail																																																																																																														
<p>The following fees have been submitted</p> <table border="1"> <tr> <td>21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....</td> <td>\$ 300</td> <td>CALCULATIONS</td> <td>PTO USEONLY</td> </tr> <tr> <td>22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....</td> <td>\$ 0</td> <td>\$ 200.00</td> <td></td> </tr> <tr> <td>All other situations</td> <td>\$ 200</td> <td></td> <td></td> </tr> <tr> <td>23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)</td> <td>\$ 0</td> <td></td> <td></td> </tr> <tr> <td>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....</td> <td>\$ 100</td> <td></td> <td></td> </tr> <tr> <td>International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....</td> <td>\$ 400</td> <td></td> <td></td> </tr> <tr> <td>All other situations.....</td> <td>\$ 500</td> <td></td> <td></td> </tr> <tr> <td colspan="2">TOTAL OF 21, 22 and 23 =</td> <td>\$ 900.00</td> <td></td> </tr> <tr> <td colspan="3"> <input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. </td> <td></td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> </tr> <tr> <td>165 - 100 =</td> <td>65 /50 =</td> <td>2</td> <td>x \$250.00</td> </tr> <tr> <td colspan="3">Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> <td>\$ 500.00</td> </tr> <tr> <td colspan="3"> <table border="1"> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> <tr> <td>Total claims</td> <td>43 - 20 =</td> <td>23</td> <td>x 50.00</td> </tr> <tr> <td>Independent claims</td> <td>3 - 3 =</td> <td></td> <td>x 0.00</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+</td> <td></td> </tr> </table> </td> <td>\$ 1,150.00</td> </tr> <tr> <td colspan="3">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$ 2,550.00</td> </tr> <tr> <td colspan="3"><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.</td> <td></td> </tr> <tr> <td colspan="3">SUBTOTAL =</td> <td>\$ 2,550.00</td> </tr> <tr> <td colspan="3">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</td> <td>\$ 2,550.00</td> </tr> <tr> <td colspan="3">TOTAL NATIONAL FEE =</td> <td>\$ 2,550.00</td> </tr> <tr> <td colspan="3">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</td> <td>\$ 40.00</td> </tr> <tr> <td colspan="3"></td> <td>\$</td> </tr> <tr> <td colspan="3">TOTAL FEES ENCLOSED =</td> <td>\$ 2,550.00</td> </tr> <tr> <td colspan="3">Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td colspan="3">Amount to be charged</td> <td>\$</td> </tr> </table>			21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....	\$ 300	CALCULATIONS	PTO USEONLY	22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$ 0	\$ 200.00		All other situations	\$ 200			23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)	\$ 0			Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....	\$ 100			International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....	\$ 400			All other situations.....	\$ 500			TOTAL OF 21, 22 and 23 =		\$ 900.00		<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	165 - 100 =	65 /50 =	2	x \$250.00	Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).			\$ 500.00	<table border="1"> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> <tr> <td>Total claims</td> <td>43 - 20 =</td> <td>23</td> <td>x 50.00</td> </tr> <tr> <td>Independent claims</td> <td>3 - 3 =</td> <td></td> <td>x 0.00</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+</td> <td></td> </tr> </table>			CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	43 - 20 =	23	x 50.00	Independent claims	3 - 3 =		x 0.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+		\$ 1,150.00	TOTAL OF ABOVE CALCULATIONS =			\$ 2,550.00	<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				SUBTOTAL =			\$ 2,550.00	Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			\$ 2,550.00	TOTAL NATIONAL FEE =			\$ 2,550.00	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			\$ 40.00				\$	TOTAL FEES ENCLOSED =			\$ 2,550.00	Amount to be refunded:			\$	Amount to be charged			\$
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....	\$ 300	CALCULATIONS	PTO USEONLY																																																																																																											
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$ 0	\$ 200.00																																																																																																												
All other situations	\$ 200																																																																																																													
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)	\$ 0																																																																																																													
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....	\$ 100																																																																																																													
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....	\$ 400																																																																																																													
All other situations.....	\$ 500																																																																																																													
TOTAL OF 21, 22 and 23 =		\$ 900.00																																																																																																												
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.																																																																																																														
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE																																																																																																											
165 - 100 =	65 /50 =	2	x \$250.00																																																																																																											
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).			\$ 500.00																																																																																																											
<table border="1"> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> <tr> <td>Total claims</td> <td>43 - 20 =</td> <td>23</td> <td>x 50.00</td> </tr> <tr> <td>Independent claims</td> <td>3 - 3 =</td> <td></td> <td>x 0.00</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+</td> <td></td> </tr> </table>			CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	43 - 20 =	23	x 50.00	Independent claims	3 - 3 =		x 0.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+		\$ 1,150.00																																																																																											
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																																																																																																											
Total claims	43 - 20 =	23	x 50.00																																																																																																											
Independent claims	3 - 3 =		x 0.00																																																																																																											
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+																																																																																																												
TOTAL OF ABOVE CALCULATIONS =			\$ 2,550.00																																																																																																											
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.																																																																																																														
SUBTOTAL =			\$ 2,550.00																																																																																																											
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			\$ 2,550.00																																																																																																											
TOTAL NATIONAL FEE =			\$ 2,550.00																																																																																																											
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			\$ 40.00																																																																																																											
			\$																																																																																																											
TOTAL FEES ENCLOSED =			\$ 2,550.00																																																																																																											
Amount to be refunded:			\$																																																																																																											
Amount to be charged			\$																																																																																																											

10/15/2006
IAP2006
10/15/2006

PTO-1390 (Rev. 07-2005)

Approved for use through 03/31/2007. OMB 0651-0021

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

a. A check in the amount of \$ _____ to cover the above fees is enclosed.

b. Please charge my Deposit Account No. 03-2775 in the amount of \$ 2,550.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-2775. A duplicate copy of this sheet is enclosed.

d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:


SIGNATURE

Roberte M. D. Makowski, Ph.D.

NAME

CUSTOMER NUMBER: 23416

55,421
REGISTRATION NUMBER

10/267980

JAP2006-07-10 12:23 2006

Application No. (if known): Not Yet Assigned

Attorney Docket No.: 13477-00002-US

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV686922589US in an envelope addressed to:

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on February 10, 2006
Date

Signature

Tina R. Hall
Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Letter to the United States Designated-Elected Office (3 pages)

Fee Transmittal (1 page)

Application Data Sheet (3 pages)

Copy of the International application in English, w/search report attached
51 sheets of drawings

Form PCT/IB/306 (1 p)

Form PCT/ISA/237 (10 pag)

Form PCT/IPEA/409 (21 pages)

Preliminary Amendment (18 pages)

Nucleotide and/or Amino Acid Sequence

Statement To Support Filing And Submission In Accordance With 37 C.F.R. 1.57(d)(2)(ii) (Continued on page 2)

**Statement To Support Filing And Submission In Accordance With 37 CFR
§§1.821 Through 1.825 (2 pages)**

Postcard
Authoriza

Authorization to charge \$2,550.00 to deposit account 03-2775

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

<p>Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.</p> <p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <p>FEE TRANSMITTAL For FY 2005</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>		<p>Complete if Known</p> <table border="1"> <tr> <td>Application Number</td> <td>Not Yet Assigned</td> </tr> <tr> <td>Filing Date</td> <td>Concurrently Herewith</td> </tr> <tr> <td>First Named Inventor</td> <td>Edwin A. G. Van Der Vossen</td> </tr> <tr> <td>Examiner Name</td> <td>Not Yet Assigned</td> </tr> <tr> <td>Art Unit</td> <td>N/A</td> </tr> <tr> <td>Attorney Docket No.</td> <td>13477-00002-US</td> </tr> </table>	Application Number	Not Yet Assigned	Filing Date	Concurrently Herewith	First Named Inventor	Edwin A. G. Van Der Vossen	Examiner Name	Not Yet Assigned	Art Unit	N/A	Attorney Docket No.	13477-00002-US
Application Number	Not Yet Assigned													
Filing Date	Concurrently Herewith													
First Named Inventor	Edwin A. G. Van Der Vossen													
Examiner Name	Not Yet Assigned													
Art Unit	N/A													
Attorney Docket No.	13477-00002-US													
TOTAL AMOUNT OF PAYMENT	(\$)	2,550.00												

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number. 03-2775 Deposit Account Name: Connolly Bove Lodge & Hutz LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		
	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	900.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

	<u>Small Entity</u>
<u>Fee (\$)</u>	<u>Fee (\$)</u>
50	25
200	100
360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
43	- 20 =	23 x 50.00 =	1,150.00

Multiple Dependent Claims

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
3	- 3 =	x	=

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**
 165 - 100 = 65 /50 2 (round up to a whole number) x 250.00 = 500.00

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):	1631 Basic National Stage fee	300.00
	1633 National Stage Examination Fee - all other ...	200.00
	1642 National Stage Search Fee - search report ...	400.00
	1681 National Stage application size fee - for each ...	500.00
	1615 National Stage claims - extra total (over twenty)	1,150.00

SUBMITTED BY

Signature	<i>Roberte Makowski</i>	Registration No. (Attorney/Agent)	55,421	Telephone	(302) 658-9141
Name (Print/Type)	Roberte M. D. Makowski, Ph.D.		Date	2/10/06	